

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

225

CRM-M-45807 of 2019

Decided on :25.02.2020

Roop Salony

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Paramjit Singh Jammu, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Hari Pal Verma, J. (Oral)

Prayer in this petition filed under 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.195 dated 08.12.2017 (Annexure P-1) registered under Sections 304-B, 120B of Indian Penal Code, 1860 at Police Station Sadar Fazilka, now P.S.Khui Khera, District Fazilka.

Mr.R.S.Dhillon, Advocate has appeared on behalf of respondent No.2/complainant and filed his Power of Attorney which is taken on record.

As per FIR, complainant's sister Deepika was married with Sudhir Kumar on 11.12.2016. The deceased-Deepika was subjected to harassment by the in-laws for demand of dowry and accused Sudhir (husband of the deceased) started pressurising Deepika to give divorce, but she remained adamant to live with her husband (Sudhir). On 13.11.2017, complainant received a phone call that the car i-20 of accused Sudhir and deceased Deepika met with an accident and fell into Ganganagar canal. In

the said accident, accused Sudhir was saved, but Deepika died. Firstly, police closed the case under Section 174 Cr.P.C. but later on it was found that it was not an accident, but a planned murder because accused Sudhir after planning deliberately drove the car into canal and thereafter, saved himself but Deepika died. As per complainant, it has further been found that one Roop Salony is also involved in this conspiracy because when accused Sudhir was studying in Chandigarh, at that time, accused Roop Salony, the petitioner herein was also studying at Chandigarh and they came close to each other and wanted to marry. As accused Sudhir got married with deceased Deepika, so they both wanted to get rid of Deepika and because of this reason, they have planned the murder of Deepika and drove the car into the canal.

Learned counsel for the petitioner argued that firstly, a Special Investigation Team (SIT) was constituted in this case and it has thoroughly investigated the matter and had found the petitioner innocent and thereafter recommended for cancellation of the FIR. However, when the complainant approached the higher officers and requested for further investigation in the present case, another SIT was constituted which found the petitioner involved in the present case. Therefore, the 3rd SIT was constituted on the request made by the petitioner for conducting a fair investigation and the matter was looked into by the Inspector General of Police who after investigation, found the petitioner innocent.

Learned counsel for the complainant has argued that the petitioner was having relationship with the accused Sudhir Kumar before marriage which she continued after his marriage with the deceased and for this reason accused wanted to eliminate Deepika.

Learned counsel for the petitioner states that pursuant to the order dated 29.10.2019 passed by this Court, petitioner has joined the investigation.

Learned State counsel on instructions from Head-constable Mukhtiar Singh states that Inspector General of Police, Bathinda after conducting investigation, found the petitioner innocent, rather, the offence under Section 120-B IPC has also been deleted and Section 279 IPC has been added in this case. He admits the aforesaid fact and states that the custodial interrogation of the petitioner is no more required at this stage.

I have heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is no more required, present petition is allowed and the interim bail granted to the petitioner vide order dated 29.10.2019 is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

25.02.2020
sd

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No